

Re: Applicant : John J. Stanko
Application No. 10/634,620
Pocket Protector
Examiner: Gary L. Welch
Art Unit: 3765
Our File No. 03-0011



REPLY TO OFFICE ACTION DATED JULY 12, 2004

Amendment of Specifications

The applicant, by his attorney, request the examiner to amend this specification. On page 3, the first full sentence should read as follows: The reinforcing material can be affixed to either side of the inner pocket fabric and either side of the outer pocket fabric, and can be woven, sewn, or otherwise incorporated into the pocket itself; **the improvement comprises a reinforcing material that is affixed to and runs down the outer fabric of the pocket and is affixed to and runs up the inner fabric of the pocket.**

The amendment does not add new matter. The added words are found in claim 1.

Response to office action

(Section 102 Rejection)

The Examiner has issued an office action dated, July 12, 2004, that rejects claims 1 through 6. Under 35 U.S.C (102(b) as being anticipated by Gasser (U.S.4,972,524). The Examiner states that:

“Gasser discloses a pocket protector consisting of an outer fabric 4 and an inner pocket fabric, 1 secured along their edges 5, 6 to form a pocket. A reinforcing material 7 is affixed to and runs down the outer fabric of the pocket as affixed to and runs up the inner fabric of the pocket. The reinforcing material 7 is sandwiched between fabric layers (1 and 4) and therefore contacts both layers as to prevent the loss of the wallet through the actions of a pickpocket who tries to cut the pocket with a knife.”

The Examiner has rejected the present patent based on a mis-apprehension of the Gasser Invention. The abstract in Gasser says:

“According to the invention, an anti pickpocket device is composed of a metal lattice from which extended at least two connecting elements designed to be secured to different points of the internal fabric of the pocket in such a way that the lattice extends over most of the internal surface of the outer fabric of the pocket so that it is disposed between the object contained in the pocket and the outer fabric of the pocket.” (emphasis added)

It does not say, “over the internal surface of the inner fabric.” Figures 2 and 3 of the Gasser patent confirm that the anti pickpocket device extends over most of the internal surface of the outer fabric of the pocket. The drawings do not show an anti pickpocket device that extends over the internal surface of the inner fabric of the pocket.

Your applicants interpretation of Gasser is further supported by the specification in Gasser.

Column 1, lines 20 through 26, repeat the disclosure found in the abstract:

The “anti pickpocket device is characterized of being composed of a metal lattice from which extended at least two connecting elements designed to be secured to different points of the internal fabric of the pocket in such a way that the lattice extends over most of the internal surface of the outer fabric of the pocket, so that it is disposed between the object contained in the pocket and the outer fabric of the pocket.” (emphasis added)

Again, it does not say: “the internal surface of the inner fabric.” The present invention is different. Figure 3 of the present invention shows that the reinforcing material, 6, is attached to both, the inside fabric 2, and the outside fabric 5. Figure 4 of the present invention shows that the reinforcing material is attached to the inside fabric 21, and the outside fabric

The Gasser patent does not disclose the attachment of a reinforcing material to both the inner fabric and outer fabric of the pocket. The present invention has unique advantages over the Gasser design. As stated in the final paragraph of page one of the present invention:

“the pocket protector of the present invention consists of an outer pocket fabric, and an inner pocket fabric, secured along their edges to form a pocket; where in the improvement comprises a reinforcing material that is affixed to and runs down the outer fabric of the pocket and is affixed and runs down the inner fabric of the pocket. Thus, when a pickpocket cuts the pocket fabric, the reinforcing material is not cut, and the reinforcing material cradles the contents of the pocket, and keeps the contents of the pocket from falling into the hands of a thief.”

The essential element of the invention is that the reinforcing material goes down the outer fabric and up the inner fabric so as to form a cradle. This cradle is not disclosed nor fairly suggested in the Gasser patent. A large wallet causes a pocket to bulge out and to make it easy for a pickpocket to cut the material below the pocket. The “cradle” in the present invention keeps the wallet from falling into the hands of the pickpocket.

(Section 103 Rejection)

The Examiner has also rejected claims 2 through 6 under 35 U.S.C 103(a) as being unpatentable over Gasser. The examiner states:

A review of applicant's disclose does not reveal the criticality for using stainless steel wire (i.e., why stainless steel is superior over any other material). It would have been obvious through routine experimentation to replace the metal wire of Gasser with a stainless steel wire in order to provide a predetermined level of protection against a certain cutting implement.

As stated in the specifications, the stainless steel wire is preferred because the use of steel gives the user of the pocket a feeling of security. Further, embroidery stitching is preferred because the stitching on the outer fabric is visible to pickpockets and may discourage them from applying their trade, and because the embroidery stitching on the inner fabric can be felt by the user and gives the user some form of reinsurance that their valuables are being protected. These attributes are not disclosed nor fairly suggested by the Gasser patent.

The Examiner has stated that:

with regards claims to 3 and 4, the reinforcing material is enforced to the material with rivets and hooks. It is well known, in the art, that various types of fastening mechanisms are functionally equivalent.

Your applicant respectfully disagrees. Iron on patches are not disclosed nor fairly suggested by the Gasser patent. The Gasser patent does not disclose or fairly suggest a mechanism for a retro fit. The use of an iron on patch is found to be a successful and functional retro fit of the present invention. This retro fit application is not disclosed not fairly suggested in Gasser.

The Examiner has stated that: "With regard to 5 and 6, the flexible material consists of multiple strands."

Your applicant respectfully disagrees that the use of multiple strands is obvious. The patent application speaks of sacrificial strands, i.e. strands that might well be cut.

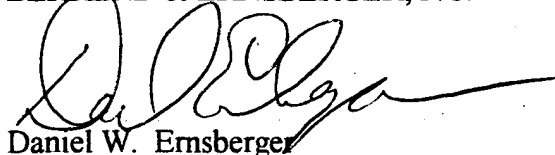
It can be a single continuous thread or ribbon or wire or even multiple strands; and, it is not necessary that all the strands are strong enough to withstand the cut of the knife blade so long as some of the strands do.

The sacrificial strands serve a real purpose. They stop the knife blade from cutting all

the strands. These sacrificial strands are not disclosed nor fairly suggested by the Gasser patent.

For the above reasons, the present application is ready for issuance and your applicant requests that the patent be issued.

Sincerely,
BEHREND & ERNSBERGER, P.C.

A handwritten signature in black ink, appearing to read 'D. W. Ernsberger', with a long horizontal flourish extending to the right.

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